MONTANA LEGISLATIVE HISTORY

Chapter 423 1993

Bill H 99 S _____ Original bill & history ✓ C

H. Committee on Transportation			S. Committee on Highways & Transportation		
Hearing Date(s)	Jan 20	✓ C	Hearing Date(s)	March	✓ C
	Jan 22	✓ C		_____	___ C
	_____	___ C		_____	___ C
	_____	___ C		_____	___ C
Date Out	_____	___ C			

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

Conference Comm. Apr 15

1997 LEGISLATIVE HISTORY

The 1997 Montana Legislature has dramatically changed the nature of the legislative minutes. Specifically, the minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are somewhat fuller in content. Exhibits available from the State Law Library (which may include written statements, attendant information, roll call votes, roll call attendance, a list of public members present, specific action taken on legislative bills, etc.) are included with this request. For information on other exhibits, contact the Montana Historical Society Archives at 444-4774. Exhibits may also be purchased on a CD-ROM from the Montana Legislative Council (444-3064).

Just as in the 1995 legislative session, the House and Senate hearings were recorded. The Historical Society is the depository for the tapes. For information on accessing the tapes, call the archives at 444-4774.

If you have concerns over the format of the 1997 legislative minutes, it is suggested that you contact your state legislators.

3/10	SIGNED BY PRESIDENT		
3/11	TRANSMITTED TO GOVERNOR		
3/17	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 58		
	EFFECTIVE DATE: 10/01/97		

HB 98 INTRODUCED BY CLARK *LC0348 DRAFTER: LANE*

ELIMINATE HANGING AS A MEANS OF EXECUTION

BY REQUEST OF DEPARTMENT OF CORRECTIONS

12/26	INTRODUCED		
1/06	FIRST READING		
1/06	REFERRED TO JUDICIARY		
1/17	HEARING		
1/21	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/25	2ND READING PASSED	57	41
1/27	3RD READING FAILED	45	52
1/28	RECONSIDERED PREVIOUS ACTION	62	37
1/28	3RD READING PASSED	60	39
	TRANSMITTED TO SENATE		
1/29	FIRST READING		
1/29	REFERRED TO JUDICIARY		
3/05	HEARING		
3/06	COMMITTEE REPORT—BILL CONCURRED		
3/10	2ND READING CONCURRED	46	4
3/11	3RD READING CONCURRED	47	3
	RETURNED TO HOUSE		
3/13	SIGNED BY SPEAKER		
3/14	SIGNED BY PRESIDENT		
3/17	TRANSMITTED TO GOVERNOR		
3/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 92		
	EFFECTIVE DATE: 03/19/97		

HB 99 INTRODUCED BY TREXLER *LC0359 DRAFTER: ERICKSON*

REVISE THE TRAFFIC REGULATIONS IN A HIGHWAY CONSTRUCTION AREA

12/26	INTRODUCED		
12/30	FISCAL NOTE REQUESTED		
1/06	FIRST READING		
1/06	REFERRED TO TRANSPORTATION		
1/08	FISCAL NOTE RECEIVED		
1/09	FISCAL NOTE PRINTED		
1/20	HEARING		
1/28	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/30	2ND READING PASSED	82	17
1/31	3RD READING PASSED	82	14
	TRANSMITTED TO SENATE		
2/03	FIRST READING		
2/03	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/04	HEARING		
3/21	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/24	2ND READING CONCURRED	45	5
3/25	3RD READING CONCURRED	45	4
	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS NOT CONCURRED	45	55
4/09	CONFERENCE COMMITTEE APPOINTED		
4/16	HEARING		
4/17	CONFERENCE COMMITTEE REPORT NO. 1.		

4/18	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	98	0
4/19	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	81	12
	SENATE		
4/10	CONFERENCE COMMITTEE APPOINTED		
4/17	CONFERENCE COMMITTEE REPORT NO. 1		
4/18	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	48	0
4/19	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	46	1
4/22	SIGNED BY SPEAKER		
4/25	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
5/01	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 473		
	EFFECTIVE DATE: 05/01/97		

HB 100 INTRODUCED BY SOFT *LC0323 DRAFTER: MACMASTER*

REVISE THE PUNISHMENT FOR DRIVING UNDER THE INFLUENCE AND FOR DRIVING WITH AN ALCOHOL CONCENTRATION IN EXCESS OF 0.10

BY REQUEST OF DEPARTMENT OF CORRECTIONS

12/27	INTRODUCED		
1/03	FISCAL NOTE REQUESTED		
1/06	FIRST READING		
1/07	REFERRED TO CORRECTIONS SELECT COMMITTEE		
1/13	FISCAL NOTE RECEIVED		
1/20	REVISED FISCAL NOTE RECEIVED		
1/20	REVISED FISCAL NOTE PRINTED		
1/29	HEARING		
3/11	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/12	REVISED FISCAL NOTE RECEIVED		
3/12	2ND READING PASSED	89	10
3/12	REVISED FISCAL NOTE PRINTED		
3/13	3RD READING PASSED	88	11
	TRANSMITTED TO SENATE		
3/14	FIRST READING		
3/14	REFERRED TO FINANCE & CLAIMS		
3/18	HEARING		
3/20	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/22	REREFERRED TO JUDICIARY		
3/26	HEARING		
4/07	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/09	2ND READING CONCURRED AS AMENDED	33	17
4/10	3RD READING CONCURRED	31	19
	RETURNED TO HOUSE WITH AMENDMENTS		
4/14	2ND READING AMENDMENTS CONCURRED	89	9
4/15	3RD READING CONCURRED AS AMENDED	90	8
4/19	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
5/02	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 512		
	EFFECTIVE DATE: 05/02/97		

HOUSE BILL NO. 99

INTRODUCED BY TREXLER

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A SEPARATE PENALTY FOR SPEEDING IN A CONSTRUCTION ZONE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Penalty for speeding in construction zone.** A person convicted of a violation of 61-8-303(2)(b) is guilty of a misdemeanor. Upon arrest and conviction, the person shall be punished by a fine of not less than $20 or more than $200.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 1].

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0099, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:
An act creating a separate penalty for speeding in a construction zone.

FISCAL IMPACT:
There is no fiscal impact to the state

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:
There may be a fiscal impact at the county and/or the city level.

Dave Lewis 1-8-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Cliff Trexler
CLIFF TREXLER, PRIMARY SPONSOR DATE

Fiscal Note for HB0099, as introduced

HB 99

{Tape: 1; Side: A; Approx. Time Count: 1.4 - 10.9; }
Sponsor: Rep. Sam Kitzenberg, HD 96.

Opening Statement by Sponsor: Rep. Kitzenberg would like to see a realistic speed limit, especially in Eastern Montana. A $5 penalty for first offense is proposed.

{Tape: 1; Side: A; Approx. Time Count: 11.0; }
Proponents: Dave Brown, Butte, Montana, Representing Montana PASS, (People Against Set Speeds). EXHIBIT 1.

{Tape: 1; Side: A; Approx. Time Count: 12.4; }
Opponents: Colonel Craig T. Reap, Chief Montana Highway Patrol, EXHIBIT 2.

{Tape: 1; Side: A; Approx. Time Count: 15.2; }
John Connor, Chief of the Special Prosecutions Bureau, Attorney General's Office, representing Montana County Attorneys Association.

{Tape: 1; Side: A; Approx. Time Count: 21.0; }
Questions From Committee Members and Responses: Reps. Brainard, Bookout.

Responses from Colonel Reap

{Tape: 1; Side: A; Approx. Time Count: 23.3 - 29.2; }
Closing by Sponsor: Rep. Kitzenberg closed the Hearing on HB 242.

HEARING ON HB 99

"AN ACT CREATING A SEPARATE PENALTY FOR SPEEDING IN A CONSTRUCTION ZONE."

{Tape: 1; Side: A; Approx. Time Count: 30.8; }
Sponsor: Rep. Trexler, HD 59.

Opening Statement by Sponsor: Rep. Trexler said the Bill doubles the fine in a contruction zone from a minimum of $10 to a maximum of $100 to a minimum of $20 to a maximum of $200.

{Tape: 1; Side: A; Approx. Time Count: 35.7 - 39.2; }
Proponents: John Blacker, Administrator, Maintenance Division, Department of Transportation.

{Tape: 1; Side: A; Approx. Time Count: 39.6 - 41.0; }
Gordon Morris, Director, Association of Counties.

{Tape: 1; Side: A; Approx. Time Count: 41.3 - 42.8; }
Carl Schweitzer, Montana Contractors' Association.

{Tape: 1; Side: A; Approx. Time Count: 43.0 - 44.4; }

Gary Gilmore, Administrator, Engineering Division, Department of Transportation.

{Tape: 1; Side: A; Approx. Time Count: 45.5 - 45.9; }
Jerry Driscoll, Representing Montana Building and Construction Trades Council.

{Tape: 1; Side: A; Approx. Time Count: 46.2 - 46.6; }
Colonel Craig Reap, Highway Patrol.

{Tape: 1; Side: A; Approx. Time Count: 46.6 - 47.3; }
Ben Havdahl, Montana Motor Carriers, Association.

Opponents: None

{Tape: 1; Side: A; Approx. Time Count: 48.2 - 63.0; }
Questions From Committee Members and Responses: Reps. Wells, Marian Hanson, Galvin, Bitney, Brainard, Anderson.

Responses by Colonel Reap, Carl Schweitzer, Rep. Trexler, Gary Gilmore.

{Tape: 1; Side: A; Approx. Time Count: 63.2 - 64.1; }
Closing by Sponsor: Rep. Trexler closed the Hearing on HB 99.

HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE

ROLL CALL DATE 1-20-97

NAME	PRESENT	ABSENT	EXCUSED
SHIELL ANDERSON, CHAIRMAN	✓		
RICK JORE, VICE CHAIR MAJ.			✓
PAT GALVIN, VICE CHAIR MIN.	✓		
JOE BARNETT	✓		
ROD BITNEY	✓		
SYLVIA BOOKOUT	✓		
MATT BRAINARD	✓		
BOB CLARK	✓		
CHARLES DEVANEY	✓		
DAVID EWER			✓
SONNY HANSON	✓		
MARIAN HANSON	✓		
ROD MARSHALL	✓		
GERALD PEASE	✓		
BILL RYAN	✓		
DOROTHY SIMPSON	✓		
JACK WELLS	✓		
BILL WHITEHEAD	✓		

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Transportation COMMITTEE DATE 1-20-97

BILL NO. HB 99 SPONSOR(S)

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
GARY, GILMORE	MDT	✓	
D John Bl[illegible]	MDT	✓	
Greg Van Horssen	State Farm Ins	✓	
~~Patrick Hoover~~	Christian Church Women		✓
Gordon Morris	MACo	✓	
Jerry Driscoll	Int Building & Construction Trades Council	✓	
Carl Schweitzer	MT Contractors Ass'n	✓	
Ben Havdahl	MT Motor Carriers Assn	✓	
Craig T. Reap	Highway Patrol	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993
wp:vissbcom.man
CS-14

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By Chairman Shiell Anderson, on January 27, 1997, at 3:00 p.m., in Room 420.

ROLL CALL

Members Present:

Rep. Shiell W. Anderson, Chairman (R)
Rep. Rick Jore, Vice Chairman (Majority) (R)
Rep. Patrick G. Galvin, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Matt Brainard (R)
Rep. Bob Clark (R)
Rep. Charles R. Devaney (R)
Rep. David Ewer (D)
Rep. Marian W. Hanson (R)
Rep. Rod Marshall (R)
Rep. Gerald Pease (D)
Rep. William M. "Bill" Ryan (D)
Rep. Dorothy C. Simpson (D)
Rep. Jack Wells (R)
Rep. Bill Whitehead (D)

Members Excused: Rep. Sonny Hanson

Members Absent: None

Staff Present: Leanne Kurtz, Legislative Services Division
Mary Lou Schmitz, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: None
Executive Action: HB 99-DO PASS AS AMENDED 17-0
HB 93-DO PASS 16-0
HB 242 TABLED 15-1
HB 202-DO PASS 16-0
HB 233-TABLED 16-0

EXECUTIVE ACTION ON HB 99

Motion: Rep. Ryan moved HB 99 DO PASS.

{Tape: 1; Side: A; Approx. Time Count: 1.8; }

Discussion: Chairman Anderson and Leanne Kurtz explained the Amendment.

Motion: Chairman Anderson moved the Amendment.

{Tape: 1; Side: A; Approx. Time Count: 5.6 - 9.3; }
Discussion: Questions from Reps. Galvin, Simpson, Barnett, Marshall, Marian Hanson, Ryan,

Responses from Leanne Kurtz; Dave Galt, Department of Transportation.

Vote: Motion on the Amendment carried unanimously. 17-0

{Tape: 1; Side: A; Approx. Time Count: 9.5; .}
Motion: Rep. Marian Hanson moved HB 99 DO PASS AS AMENDED.

{Tape: 1; Side: A; Approx. Time Count: 11.8; }
Discussion: Rep. Wells.

Response from Leanne Kurtz.

Motion: Rep. Wells moved HB 99 be amended to put a note on a sign in large letters, as large as the sign will accommodate, to warn traffic regarding a double fine area.

Discussion: Reps. Marshall, Clark, Simpson.

Response from Leanne Kurtz.

{Tape: 1; Side: A; Approx. Time Count: 15.7; }
Vote: The Wells' amendment carried unanimously. 17-0

Motion/Vote: Rep. Devaney moved HB 99 DO PASS AS TWICE AMENDED. Motion carried unanimously 17-0.

EXECUTIVE ACTION ON HB 93

{Tape: 1; Side: A; Approx. Time Count: 16.9 - 18.2; }
Motion/Vote: Rep. Marian Hanson moved HB 93 DO PASS. Motion carried unanimously - 16-0.

EXECUTIVE ACTION ON HB 242

Motion: Rep. Joe Barnett moved HB 242 DO PASS.

Motion: Rep. Matt Brainard moved HB 242 TABLED.

{Tape: 1; Side: A; Approx. Time Count: 19.1; }
Discussion: Reps. Marian Hanson, Wells, Brainard, Marshall, Barnett.

Vote: Motion to TABLE HB 242 passed 15 - 1.

HOUSE STANDING COMMITTEE REPORT

January 28, 1997

Mr. Speaker: We, the committee on **Transportation** report that **House Bill 99** (first reading copy -- white) **do pass as amended.**

Signed: Shiell Anderson
Shiell Anderson, Chair

And, that such amendments read:

1. Title, lines 4 and 5.
Following: "AN ACT"
Strike: lines 4 and 5 in their entirety
Insert: "ESTABLISHING SPEED REGULATIONS IN A CONSTRUCTION ZONE AND A WORK ZONE; DEFINING "CONSTRUCTION ZONE" AND "WORK ZONE"; DOUBLING THE PENALTY FOR SPEEDING IN A WORK ZONE; AND AMENDING SECTION 61-8-303, MCA."

2. Page 1, lines 9 through 15.
Strike: everything following the enacting clause
Insert: "NEW SECTION. **Section 1. Speed restrictions in construction zone and work zone -- definitions.** (1) As used in this section, the following definitions apply:

(a) "Construction zone" means an area on a public highway or on the adjacent right-of-way where construction, repair, maintenance, or survey work is being performed by the department of transportation, a local authority, a utility company, or a private contractor under contract with the department of transportation or a local authority. A construction zone does not include a work zone.

(b) "Public highway" has the same meaning as in 60-1-103.

(c) "Work zone" means the area where the construction, repair, maintenance, or survey work is actually taking place. A work zone connects to but is not part of a construction zone.

(2) A person may not operate a motor vehicle in a construction zone or in a work zone on a public highway in excess of the speed limit posted in the construction zone or the work zone. The speed limit must be set by the department of

Committee Vote:
Yes 17 No 0.

1/28

transportation or the local authority based on traffic conditions or the condition of the construction, repair, maintenance, or survey project.

(3) (a) The department of transportation, the local authority, the utility company, or the private contractor shall post signs that conform to the department of transportation's manual on uniform traffic control devices and that indicate the boundaries of the construction zone and the work zone and the speed limit in effect within both zones.

(b) The department of transportation, the local authority, the utility company, or the private contractor shall clearly indicate at the boundary of a work zone that a person who violates the speed restriction in the work zone is subject to the fine provided in subsection (4)(a).

(c) The boundaries of the work zone may not exceed 500 feet in advance of and beyond the actual construction activity.

(4)(a) A person convicted of a violation of a speed restriction in a work zone is guilty of a misdemeanor. Upon arrest and conviction, the person shall be punished by a fine of not less than double the penalty provided for in 61-8-711(2).

(b) A person convicted of a violation of a speed restriction in a construction zone is guilty of a misdemeanor. Upon arrest and conviction, the person is subject to the penalty provided for in 61-8-711(2).

Section 2. Section 61-8-303, "MCA, is amended to read:

"**61-8-303. Speed restrictions -- basic rule.** (1) A person operating or driving a vehicle of any character on a public highway of this state shall drive the vehicle in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, condition of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to the view ahead. The person operating or driving the vehicle shall drive the vehicle so as not to unduly or unreasonably endanger the life, limb, property, or other rights of a person entitled to the use of the street or highway.

(2) When no special hazard exists that requires lower speed for compliance with subsection (1), the speed of a vehicle not in excess of the limits specified in this section or established as authorized in 61-8-309 through 61-8-311 and 61-8-313 is lawful, but a speed in excess of the following limits is unlawful:

(a) 25 miles per hour in an urban district;

~~(b) 35 miles per hour on a highway under construction or repair or on a highway being surveyed, unless the department establishes and posts a different limit due to traffic conditions or the condition of the construction, repair, or survey project;~~

~~(c)~~ (b) 55 miles per hour in other locations during the nighttime, except that the nighttime speed limit on completed sections of interstate highways is 65 miles per hour.

(3) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.

(4) The speed limits set forth in this section may be altered by the transportation commission or a local authority as authorized in 61-8-309, 61-8-310, ~~and~~ 61-8-313, and [section 1].

(5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway condition."

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to [section 1]."

-END-

HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE

ROLL CALL DATE 1-27-97

NAME	PRESENT	ABSENT	EXCUSED
SHIELL ANDERSON, CHAIRMAN	✓		
RICK JORE, VICE CHAIR MAJ.	✓		
PAT GALVIN, VICE CHAIR MIN.	✓		
JOE BARNETT	✓		
ROD BITNEY	✓		
SYLVIA BOOKOUT	✓		
MATT BRAINARD	✓		
BOB CLARK	✓		
CHARLES DEVANEY	✓		
DAVID EWER	✓		
SONNY HANSON			✓
MARIAN HANSON	✓		
ROD MARSHALL	✓		
GERALD PEASE	✓		
BILL RYAN	✓		
DOROTHY SIMPSON	✓		
JACK WELLS	✓		
BILL WHITEHEAD	✓		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

TRANSPORTATION COMMITTEE

DATE 1-27-97 BILL NO. HB 99 NUMBER

MOTION: Chairman Shiell Anderson moved the Amendment

Motion Carried 17-0

NAME	AYE	NO
SHIELL ANDERSON, CHAIRMAN	/	
RICK JORE, VICE CHAIRMAN MAJ.	/	
PAT GALVIN, VICE CHAIRMAN MIN.	/	
JOE BARNETT	/	
ROD BITNEY	/	
SYLVIA BOOKOUT	✓	
MATT BRAINARD	✓	
BOB CLARK	/	
CHARLES DEVANEY	✓	
DAVID EWER	✓	
SONNY HANSON		
MARIAN HANSON	✓	
ROD MARSHALL	✓	
GERALD PEASE	/	
BILL RYAN	/	
DOROTHY SIMPSON	/	
JACK WELLS	/	
BILL WHITEHEAD	/	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

TRANSPORTATION COMMITTEE

DATE 1-27-97 BILL NO. HB 99 NUMBER

MOTION: Rep. Marian Hanson moved HB 99 DO PASS AS AMENDED

NAME	AYE	NO
SHIELL ANDERSON, CHAIRMAN	/	
RICK JORE, VICE CHAIRMAN MAJ.	/	
PAT GALVIN, VICE CHAIRMAN MIN.	/	
JOE BARNETT	/	
ROD BITNEY	/	
SYLVIA BOOKOUT	/	
MATT BRAINARD	/	
BOB CLARK	/	
CHARLES DEVANEY	/	
DAVID EWER	/	
SONNY HANSON		
MARIAN HANSON	/	
ROD MARSHALL	/	
GERALD PEASE	/	
BILL RYAN	/	
DOROTHY SIMPSON	/	
JACK WELLS	/	
BILL WHITEHEAD	/	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

TRANSPORTATION COMMITTEE

DATE 1-27-97 BILL NO. HB99 NUMBER

MOTION: Rep. Wells moved HB99 be amended to put a note on a sign in large letters, to warn traffic regarding a double fine area. Motion carried 11 to 7-0

NAME	AYE	NO
SHIELL ANDERSON, CHAIRMAN	✓	
RICK JORE, VICE CHAIRMAN MAJ.	✓	
PAT GALVIN, VICE CHAIRMAN MIN.	✓	
JOE BARNETT	✓	
ROD BITNEY	✓	
SYLVIA BOOKOUT	✓	
MATT BRAINARD	✓	
BOB CLARK	✓	
CHARLES DEVANEY	✓	
DAVID EWER	✓	
SONNY HANSON		
MARIAN HANSON	✓	
ROD MARSHALL	✓	
GERALD PEASE	✓	
BILL RYAN	✓	
DOROTHY SIMPSON	✓	
JACK WELLS	✓	
BILL WHITEHEAD	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

TRANSPORTATION COMMITTEE

DATE 1-27-97 BILL NO. NB99 NUMBER

MOTION: Rep. Devaney moved NB99 DO PASS AS AMENDED

Motion carried Unanimously 17-0

NAME	AYE	NO
SHIELL ANDERSON, CHAIRMAN	✓	
RICK JORE, VICE CHAIRMAN MAJ.	✓	
PAT GALVIN, VICE CHAIRMAN MIN.	✓	
JOE BARNETT	✓	
ROD BITNEY	✓	
SYLVIA BOOKOUT	✓	
MATT BRAINARD	✓	
BOB CLARK	✓	
CHARLES DEVANEY	✓	
DAVID EWER	✓	
SONNY HANSON		
MARIAN HANSON	✓	
ROD MARSHALL	✓	
GERALD PEASE	✓	
BILL RYAN	✓	
DOROTHY SIMPSON	✓	
JACK WELLS	✓	
BILL WHITEHEAD	✓	

EXECUTIVE ACTION ON HB 290

Motion/Vote: **SENATOR JABS** made a motion that **HOUSE BILL 290 BE CONCURRED IN. PASSED UNANIMOUSLY.**

EXECUTIVE ACTION ON HB 93

Amendments: HB009301, **(EXHIBIT 1)**

Motion: **SENATOR GREG JERGESON**, moved **CONCURRENCE IN HB 93.**

Motion: **SENATOR MOHL** moved **AMENDMENT HB009301.** This amendment precludes the department from funding the signs and only makes them liable for putting them up. Do you have a problem with that?

Discussion:

John Blacker, I appreciate that amendment.

Brian Cockhill, Director MT Historical Society, I think that has already been thought of, as far as putting the money in the General Fund. We are designated by the accommodations tax statute to receive one percent of the total proceeds of that statute, which currently amounts to about $85,000 a year. We are charged by law with expending that on historic signs, or the maintenance of historic buildings. Those are the only two things we can spend that money on. A bill like this, if it is passed by the legislature, would be very common for the people benefiting from the bill to come back to the society and ask us put up interpretive signs, which we would do over a period of time. Should you concur with this legislation we would be happy to put up signs over a period of two or three years.

SENATOR MOHL, I am not asking if you put them up, I am asking if you manufacture the signs according to the departments specifications as far as safety is concerned?

Brian Cockhill, we work with the Department of Transportation anyway, and we always agree on signing and they always put the signs up and if they need to be replaced, they talk to us about providing the funds for that.

Vote: the amendment **CARRIED UNANIMOUSLY.**

Motion/Vote:

SENATOR JERGESON MOVED HB 93 BE CONCURRED IN AS AMENDED. THE MOTION CARRIED UNANIMOUSLY.

HEARING ON HB 99

Sponsor: **REPRESENTATIVE CLIFF TREXLER, HD 59, Corvallis**

Proponents:

Carl Schweitzer, MT Contractors Association
Darrell Holzer, MT State AFL-CIO
Gary Gilmore, MT Department of Transportation
Alicia Pichette, L & C County
Colonel Craig Reap, MT Highway Patrol
Ben Havdahl, MT Motor Carriers
Bob Worthington, Montana Municipal Insurance Association

Opponents: None

Opening Statement by Sponsor:

REPRESENTATIVE CLIFF TREXLER, HD 59, Corvallis, HB 99 came to me while I was driving through Oregon last summer and came upon a work zone, and there was a sign, "fines doubled in work zone". It seems like in cars today that drive and ride so well, it is hard to pull one of them down to 25 miles an hour. I found out that there were 800 deaths in the United States last year because of people failing to slow down in work zones in construction areas. I think this is necessary. It is a waste of someone's life to be killed in a construction zone, or work zone, when it is obvious that we should slow down. I came up with this idea. What this bill does is double the fine from $100 to $200 dollars. One of the problems that we ran into, was where exactly the "work zone" was. One of the biggest complaints was brought about by **SENATOR DEVLIN,** who was traveling to Shelby and given a $60 dollar fine when in fact he had seen no equipment and the signs were 22 miles apart, so this bill narrows it down so the signs will be put up no more than 500 feet on either side of the actual "work zone". The bill also allows for speed limits to be set, varying with the type of work that is being done. I will be available for questions.

Proponents' Testimony:

Carl Schweitzer, MT Contractor Association, we strongly support this bill. This is one of the eight items that we has on our legislative agenda, to increase the fines for traffic violations within a work zone. I think **REPRESENTATIVE TREXLER** did a very good job of explaining that there is a construction zone which would be the construction entire area, but we want to focus on the work zone, where people could get hurt. We strongly support this bill.

Darrell Holzer, MT State AFL/CIO, we offer our strong support for HB 99. There are over 800 fatalities nationwide simply because people will not recognize work zones and slow down. Anything that will bring those numbers down will be greatly appreciated. We encourage the committee to look favorably on this legislation. Thank you.

Gary Gilmore, MT Department of Transportation, we support this bill. Our workers are right out there along the contractors. The one thing that this bill does not provide, with that we will offer to do, is sign. This only states that the fines will be doubled. I believe that **REPRESENTATIVE TREXLER** stated that what caught his attention was the sign telling the driver that the fine was doubled.

Alicia Pichette, L & C County, we share our support for this legislation. The county does work on the smaller roads and there is a great danger. The signs are close to the road, and the roads are narrow, and people just don't slow down. The county is certainly in support. Thank you.

Colonel Craig Reap, MT Highway Patrol, we support this bill also. Construction zones are always a challenge for us, because of the limited number of officers. I think signs would act as a deterrent, and word would get out, and we would see speeds reduced. We certainly support this bill. Thank you.

Ben Havdahl, MT Motor Carriers, we support this bill.

Bob Worthington, Montana Municipal Insurance Authority, for the reasons already stated we support this legislation.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR GREG JERGESON, what is the difference between a construction zone and a work zone?

REPRESENTATIVE TREXLER, one of the problems that we see a lot is a construction zone may be any amount of size. An actual work zone is where the people are actually working. We tried to narrow this down so the signs would be within 500 feet of this actual work zone, where the machinery and people are actually working.

SENATOR "SPOOK" STANG, are these signs going to be placed at the beginning of the construction zone or at the beginning of each work zone?

REPRESENTATIVE TREXLER, that is exactly why the bill is here. You might enter a construction zone and it may say slow to 45 miles per hour. When you get to a work zone we would hope that you would see a sign that says fines will double in this work zone, and it will say 25 miles per hour. That means slow down now.

SENATOR STANG, will the tickets be issued at the beginning of the construction zone, or will the signs be there where they first have to go to 35 miles per hour, and that will be the place where the tickets are issued?

Colonel Reap, it used to be that all construction zones were 35 miles per hour. Last session there was a change that allowed the department to set the speed limit depending on the criteria. We would enforce the construction zone at the limit posted, and in the work zone between the signs we would enforce the lower limits posted and the fines would be double.

SENATOR STANG, so the intent of this bill is where you first enter the construction zone it would be the regular violation not the double fines?

Colonel Reap, that is the way I understand it.

SENATOR BOB DEPRATU, I think that the signs are an important part of educating the public and making this bill work. Are you saying that as a matter of policy that you would provide these signs, or do we need to amend that into the bill?

Gary Gilmore, my thinking was that at the beginning of the construction zones you tell people that fines will double in construction work zones. We would put one sign that warns about the fines at each end of the project, and signs that say reduce speed ahead, or signs lowering the speed limit to warn of work zones.

SENATOR LINDA NELSON, what about after hours when the people aren't working anymore. Will the signs be removed or will the law just not be enforced at that point?

Gary Gilmore, even when workers aren't present a hazard may still exist. We are signing for the hazard. Under the definition of work zone, without activity being there it probably doesn't apply.

SENATOR NELSON, maybe letter "C" needs to be looked at a little bit, because it says whether stuff is actually taking place. Maybe we ought to consider having it say when Work is under way.

SENATOR JERGESON, will you sign for when a work zone has ended so a person knows when they may resume speed, and what speed they are allowed to resume?

Gary Gilmore, we should be signing with a resume speed, or end speed zone. There should be speed limit sign if you come out of a work zone, back into a construction zone, and then when you leave the construction zone there would be a resume speed sign.

SENATOR STANG, when we set these speed zones do we use the rules of 85 percent? Maybe in light of fact that Montana has no posted speed limit we should use the law of common sense.

Gary Gilmore, we are wrestling with that right now. What we are talking about if there is a single lane with no work activity we would like to see 55 miles per hour.

SENATOR MOHL, on section 2, if I am in a work zone and they have a speed limit posted at 45 miles per hour. If a patrolmen thinks that 45 miles per hour is to fast, can he give me a basic rule ticket?

Colonel Reap, if the posted speed limit was 35 in that work zone, but there was a storm and the roads had iced up, an officer could give you a ticket. I think that in most cases the violation would be of the posted limit and not basic rule because it holds a bigger fine.

Closing by Sponsor: **REPRESENTATIVE TREXLER,** thank you for a good hearing. I will try to clear up where the signs are going to be. On page 2, line one it says the contractor shall clearly indicate the boundary of the work zone. We want to narrow this down so we know exactly where the work zone is. When you get to the work zone there needs to be a sign that says that. The double fines and misdemeanor is only in the work zone. Hopefully that is what the bill states. Thank you.

EXECUTIVE ACTION ON HB 202

Discussion: **SENATOR MOHL, SENATOR JERGESON,** asked a question about the mile post markers and I told him that they would have to be changed, but I was in error. They don't do that anymore.

John Blacker, MT Department of Transportation, on the issue of the mile markers, they are designated through U.S. routes. From the standpoint of HB 202, there will still be the U.S. mile markers there and that will stay the same.

Motion: **SENATOR JOHN HERTEL,** moved **CONCURRENCE IN HB 202.**

Discussion: **SENATOR RIC HOLDEN,** I had a chance to talk to some constituents on this bill, I asked them if they would like me to spend $16,000 to designate Highway 3, and they laughed. I think that people don't want us to spend hard earned dollars on things like this.

SENATOR BOB DEPRATU, I am not comfortable with this. There is a lot of little businesses along these routes, I believe you have a chance of hurting them if you designate a specific route.

SENATOR HERTEL, is there anyone that can explain the $16,000 figure on the fiscal note. If we are just putting up number 3 signs how many need to be put up. That seems like an exuberant figure.

John Blacker, the $16,000 is an estimate for 60 signs. I believe that is the number of junctions were you come off other roads. To give you an indication, our contracted price per square foot of sign is $12.50 to $13.00. That number 3 sign will probably be a 2 foot by 3 foot sign that is $75 a sign.

MONTANA SENATE
1997 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL DATE 3-4-97

NAME	PRESENT	ABSENT	EXCUSED
SEN. ARNIE MOHL, CHAIRMAN	✓		
SEN. MACK COLE, VICE CHAIRMAN	✓		
SEN. LARRY BAER	✓		
SEN. BOB DE PRATU	✓		
SEN. JOHN HERTEL	✓		
SEN. RIC HOLDEN	✓		
SEN. REINY JABS	✓		
SEN. GREG JERGESON	✓		
SEN. LINDA NELSON	✓		
SEN. BARRY "SPOOK" STANG	✓		

SEN:1997
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CS-09

DATE 3-4-97

SENATE COMMITTEE ON Highways

BILLS BEING HEARD TODAY:

HB 99 HB 290

< ■ > **PLEASE PRINT** < ■ >

Name	Representing	Bill No.	Check One: Support	Oppose
Darrell Holzer	MT. St. AFL-CIO	HB99	✓	
Les Graham	Self & BCWA	HB290	✓	
John Blacker	MDT	HB99	✓	
Alicia Pickett	C BOCC	HB99	✓	
Gary Gilmore	MDT	HB99	✓	
Carl Schweitzer	MT Cont Assn	HB55	✓	
Ben Havdahl	MT Motor Carriers	HB99	✓	
Gary Hegreberg	MT Wood Prod.	HB290	✓	
Jim Richard	MT Wildlife Fed	HB292	✓	
Bob Vorthington	MDA	HB99	✓	
Craig Reap	MHP	HB99	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By **CHAIRMAN ARNIE MOHL**, on March 20, 1997, at 3:30, in Room 410

ROLL CALL

Members Present:

Sen. Arnie A. Mohl, Chairman (R)
Sen. Mack Cole, Vice Chairman (R)
Sen. Larry Baer (R)
Sen. Bob DePratu (R)
Sen. John R. Hertel (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Linda J. Nelson (D)
Sen. Barry "Spook" Stang (D)

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Services Division
Phoebe Kenny, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Executive Action: HB 99 and HB 423

EXECUTIVE ACTION ON HB 99

Amendments: HB009902.ACE

Motion: **SENATOR LARRY BAER MOVED TO CONCUR IN HB 99 AND THEN TO AMEND HB 99.**

Discussion:

SENATOR JOHN HERTEL, one of the critical parts of this bill was defining the work zone. Would you explain that.

SENATOR BAER, we gave that considerable time and attention and we came up with that the construction zone is the overall zone and the work zone is a portion of the construction zone itself. The

double fines would only occur in the work zone part of the construction zone.

SENATOR MACK COLE, could a person from the department explain where the signs would be placed.

John Blacker, MT Department of Transportation, on a construction zone we would sign the construction zone along with a notice that fines are doubled in work zones. That would only be at the beginning of the construction zone. We would delineate what a work zone was with a black on orange sign that said work zone. The department also would put regulatory signs at entry ways into the state to let people know that traffic fines doubled in work zones.

SENATOR "SPOOK" STANG, we also dealt with the offense of reckless endangerment of highway workers, and extended it to the whole construction zone. We felt that was necessary to take care of the people who weren't doing anything wrong in the work zone but were doing something in the construction zone.

SENATOR REINY JABS, at the beginning of the construction zone you will put up a sign that fines double and then you will put up a sign at the beginning of the work zone. Couldn't you eventually make the signs bigger so that the sign at the work zone also said that fines were doubled?

John Blacker, we could look at that. However these are regulatory signs that have the fines on them and the signs at the work zone are orange. If you get to much on one sign people don't pay attention.

Connie Erickson, we didn't include the sentence that said the court may not waive, reduce or suspend the fine incurred by this section.

Colonel Craig Reap, MT Highway Patrol, I am certainly not against that but have found that when we put in a mandatory fine that there is a lot of concern by judges. There would be more jail time to some extent that could cause a fiscal impact on the department.

CHAIRMAN ARNIE MOHL, I oppose that too. I think it takes your rights away to some point.

SENATOR BAER, you would have to be convicted of the violation first, so your rights are still there. What we are saying here is the court would have to impose double the statutory fine and can't waive or suspend etc.. I don't know how well it works in the judicial system.

Vote: **THE MOTION TO ADOPT THE AMENDMENTS TO HB 99 PASSED UNANIMOUSLY.**

Motion\Vote: SENATOR BAER MOVED TO CONCUR IN HB 99 AS AMENDED. MOTION PASSED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 423

Motion/Vote: SENATOR STANG MOVED TO TABLE HB 423. MOTION PASSED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 99

Motion\Vote : SENATOR STANG MOVED TO RECONSIDER ACTION ON HB 99. MOTION PASSED UNANIMOUSLY

Motion/Vote: SENATOR STANG MOVE HB 99 BE CONCURRED IN AND TO AMEND IT TO HAVE AN IMMEDIATE EFFECTIVE DATE. MOTION PASSED UNANIMOUSLY. HB 99 WAS CONCURRED IN AS AMENDED UNANIMOUSLY.

SENATE HIGHWAYS
EXHIBIT NO. 1
DATE 3-20-97
BILL NO. HB 99

Amendments to House Bill No. 99
Third Reading Copy

For the Senate Committee on Highways and Transportation

Prepared by Connie Erickson
March 20, 1997

1. Title, line 4.
Following: the second "ACT"
Insert: "REVISING THE TRAFFIC REGULATIONS IN A HIGHWAY CONSTRUCTION AREA;"

2. Title, line 6.
Following: the first "ZONE;"
Insert: "CREATING THE OFFENSE OF RECKLESS ENDANGERMENT OF HIGHWAY WORKERS;"
Following: "DEFINING"
Insert: ""HIGHWAY WORKER","
Following: the first "ZONE""
Insert: ","
Strike: "PENALTY"
Insert: "PENALTIES"
Strike: "SPEEDING"
Insert: "TRAFFIC VIOLATIONS"

3. Title, line 7.
Strike: "AND"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "61-8-303"
Insert: "AND 61-8-715"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 1, line 13.
Strike: "**Speed restrictions**"
Insert: "Traffic violations"

5. Page 1, line 18.
Strike: "does not"
Insert: "may"

6. Page 1, line 21.
Strike: "A" through "zone."

7. Page 1, line 23.
Strike: "excess" through "zone."
Insert: "violation of any of the provisions of part three of this chapter. (3)"
Following: the second "limit"
Insert: "in a construction zone or in a work zone"
Renumber: subsequent subsections

8. Page 2, line 1.
Strike: "work"
Insert: "construction"

9. Page 2, lines 1 and 2.
Following: "violates" on line 1
Strike: "the" on line 1 through "restriction" on line 2
Insert: "any of the provisions of part 3 of this chapter"

10. Page 2, line 2.
Strike: "(4)"
Insert: "(5)"

11. Page 2, line 5.
Page 2, line 8.
Following: the first "a"
Insert: "traffic"
Strike: "of a speed restriction"

12. Page 2, line 7.
Page 2, line 9.
Strike: "in 61-8-711(2)"
Insert: "the violation in part 7 of this chapter"

13. Page 2.
Following: line 9
Insert: "NEW SECTION. **Section 2. Reckless endangerment of highway workers -- definition.** (1) As used in this section, "highway worker" means an employee of the department of transportation, a local authority, a utility company, or a private contractor.

(2) A person commits the offense of reckless endangerment of highway workers if the person drives a motor vehicle in a highway construction zone in such a manner as to endanger persons or property or if the person removes, ignores, or intentionally strikes a traffic control device in a highway construction zone."
Renumber: subsequent sections

14. Page 3.

Following: line 7
Insert: "**Section 4.** Section 61-8-715, MCA, is amended to read:

"**61-8-715. Reckless driving -- reckless endangerment of highway workers -- penalty.** (1) A person convicted of reckless driving under 61-8-301(1)(a) or (1)(c) or convicted of reckless endangerment of highway workers under [section 2] shall be punished upon a first conviction by imprisonment for a period of not more than 90 days, ~~or~~ by fine of not less than $25 or more than $300, or by both ~~such fine and imprisonment~~. ~~and on~~ On a second or subsequent conviction the person shall be punished by imprisonment for not less than 10 days or more than 6 months, ~~or~~ by a fine of not less than $50 or more than $500, or by both ~~such fine and imprisonment~~.

(2) A person convicted of reckless driving under 61-8-301(1)(b) shall be punished by imprisonment in the county or city jail for not less than 10 days or more than 6 months to which may be added, at the discretion of the court, a fine of not less than $300 or more than $500. On a second or subsequent conviction, ~~he~~ the person shall be punished by imprisonment for a term of not less than 30 days or more than 1 year to which may be added at the discretion of the court a fine of not less than $500 or more than $1,000.""

{*Internal References to 61-8-715:*
X 61-8-301}
Renumber: subsequent sections

15. Page 3, line 9.
Strike: the second "Section"
Insert: "Sections"
Following: "1"
Insert: "and 2"
Following: "]"
Strike: "is"
Insert: "are"

16. Page 3, line 11.
Strike: "section"
Insert: "sections"
Following: "1"
Insert: "and 2"

17. Page 3.
Following: line 11
Insert: "NEW SECTION. **Section 6. {standard} Effective date.**
[This act] is effective on passage and approval."

SENATE STANDING COMMITTEE REPORT

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill 99 (third reading copy -- blue), respectfully report that House Bill 99 be amended as follows and as so amended be concurred in.

Signed: _____
Senator Arnie Mohl, Chair

That such amendments read:

1. Title, line 4.
Following: the second "ACT"
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2. Title, line 6.
Following: the first "ZONE;"
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Amd. Coord.
Sec. of Senate

_____
Senator Carrying Bill

620858SC.STS

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Following: the second "limit"
Insert: "in a construction zone or in a work zone"
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(2) A person commits the offense of reckless endangerment of highway workers if the person drives a motor

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-END-

MONTANA SENATE
1997 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL DATE 3.20.97

NAME	PRESENT	ABSENT	EXCUSED
SEN. ARNIE MOHL, CHAIRMAN	✓		
SEN. MACK COLE, VICE CHAIRMAN	✓		
SEN. LARRY BAER	✓		
SEN. BOB DE PRATU	✓		
SEN. JOHN HERTEL	✓		
SEN. RIC HOLDEN	✓		
SEN. REINY JABS	✓		
SEN. GREG JERGESON	✓		
SEN. LINDA NELSON	✓		
SEN. BARRY "SPOOK" STANG	✓		

SEN:1997
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Third Reading Copy

For the Senate Committee on Highways and Transportation

Prepared by Connie Erickson
March 20, 1997

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MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON HOUSE BILL 099

Call to Order: By CHAIRMAN MOHL, on April 15, 1997, at 7:00 AM, in Room 410.

ROLL CALL

Members Present:

Rep. Sylvia Bookout-Reinicke (R)
Rep. Vicki Cocchiarella (D)
Rep. Cliff Trexler (R)
Sen. Larry L. Baer (R)
Sen. Arnie A. Mohl (R)
Sen. Linda J. Nelson (D)

Members Excused: None

Members Absent: None

Staff Present: Pati Jo O'Reilly, Committee Secretary

HEARING ON HB 99

Opening Statement by Sponsor: **Rep. Cocchiarella** proposed that amendments be drafted for everyone approval and signature. This was done.
There is no tape, as there was no formal meeting.